



## **DENVER POLICE DEPARTMENT Crowd Management Manual**

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**HIGHLY CONFIDENTIAL – OFFICER SAFETY INFORMATION**

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This manual serves as a guide for crowd management and control operations. Strategies, tactics and equipment may be revised as needed. Crowd management and control can be an unpredictable challenge, sometimes requiring a flexible response not covered precisely by this manual.

## **Table of Contents**

<b>Policy.....</b>	<b>4</b>
<b>Purpose.....</b>	<b>4</b>
<b>Crowd Management.....</b>	<b>5</b>
<b>Crowd Control.....</b>	<b>6</b>
<b>Rules of Conduct.....</b>	<b>7</b>
<b>Rules of Engagement.....</b>	<b>10</b>
<b>Use of Force Options.....</b>	<b>18</b>
<b>Terms and Definitions.....</b>	<b>23</b>
<b>Field Force Tactics and Procedures.....</b>	<b>26</b>
<b>State laws and City Ordinances.....</b>	<b>Appendix A</b>
<b>C.R.S. Title 18 Chapter 9, Part 1.....</b>	<b>Appendix B</b>
<b>DPD Use of Force Policy.....</b>	<b>Appendix C</b>



# **Denver Police Department**

## **Crowd Management Manual**

### **POLICY**

The policy of the Denver Police Department is to appropriately direct and control public gatherings so as to protect life and property, maintain public peace and order, ensure compliance with the law and respect all constitutional rights including those of free speech and assembly. Efforts will be made to isolate and arrest violators from a crowd before declaring an assembly as unlawful.

### **PURPOSE**

This manual serves as a guide for strategies and tactics in circumstances requiring management and control of crowds. Flexibility and adaptation are important elements of successful crowd management and control while ensuring that the police response is not disproportionate to the situation.

When possible, crowd management tactics will be used prior to implementing crowd control tactics. Crowd control tactics are generally intended for use when efforts to manage a crowd or event have been unsuccessful or simply require a greater level of police intervention. Some situations, both planned and spontaneous, may require a combination of management and control.

In all situations it is critical that command officers and supervisors lead, direct and control the police response. Strong command and control elements are essential to maintaining a unified, measured and effective police response. A team based response with strong leadership is the key to maintaining control and safety. Impulsive actions by involved officers must be controlled. Police personnel must maintain a professional demeanor, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous.

Nothing in this policy will prohibit officers from legally using appropriate force to protect themselves or others from what they reasonably believe to be the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent an escape as stated in C.R.S. §18-1-707(1) (Use of physical force in making an arrest or in preventing an escape). Furthermore, nothing in this policy will prohibit officers from legally using deadly physical force when reasonable and necessary under the limited circumstances set forth in C.R.S. 18-1-707(2).



## **CROWD MANAGEMENT**

**Crowd Management:** Techniques used to address lawful public assemblies before they begin and during the event for the purpose of guaranteeing a safe and lawful assembly. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, past event critiques and future planning.

1. **Planned Event Management:** Management of an activity involving large numbers of people that requires a permit or is planned and publicized beforehand. Such occurrences may include but are not limited to parades, concerts, religious gatherings, parties, community activities, sporting events, and demonstrations. Some strategies for managing the planned event include:
  - Operational Planning: Supervisors and command officers will complete an Operational Plan for significant events (per DPD Operations Manual). A comprehensive Operational Plan ensures that Department resources are efficiently coordinated.
  - Crowd Leadership: An attempt will be made to coordinate with event organizers, permit holders or the leadership of a crowd if time permits. Officers assigned to plan the Department's response to an event will communicate both legal and operational needs and expectations to the event's leadership.
  - Traffic Management: Event planning will include a traffic plan that will minimize the impact of the event on the normal flow of traffic. All legal permitting processes will apply. Should a spontaneous crowd issue result in traffic disruptions, as soon as the event is stabilized, supervisors and commanders should consider the need to alter pedestrian and vehicular traffic patterns to minimize traffic disruptions.
  - Law Enforcement: Officers will make every effort to differentiate between individual misbehavior and actions of the crowd in general. Voluntary compliance by members of the crowd and allowing the lawful members of the crowd and their leadership the opportunity to assist the police in gaining lawful compliance from crowd members is, in most circumstances, a sound de-escalation tactic. Apply the performance guidelines detailed in the Crowd Management Manual and the stated Rules of Conduct and Rules of Engagement.
2. **Spontaneous Event Management:** Management of an unplanned or unforeseen event or incident that may create a risk to public safety and peace and order, or damage to property. Such incidents may include but are not limited to crowd disorders, incidents at schools, transportation accidents, bombings, explosions, disasters, major fires, labor disputes, celebratory crowds and organized protests. Some strategies for managing the spontaneous event include:

- Crowd Leadership: An attempt will be made to coordinate with event organizers, permit holders or the leadership of a crowd if time permits. Officers assigned to plan the Department's response to an event will communicate both legal and operational needs and expectations to the event's leadership.
- Traffic Management: Event planning will include a traffic plan that will minimize the impact of the event on the normal flow of traffic. All legal permitting processes will apply. Should a spontaneous crowd issue result in traffic disruptions, as soon as the event is stabilized, supervisors and commanders should consider the need to alter pedestrian and vehicular traffic patterns to minimize traffic disruptions.
- Law Enforcement: Officers will make every effort to differentiate between individual misbehavior and actions of the crowd in general. Voluntary compliance by members of the crowd and allowing the lawful members of the crowd and their leadership the opportunity to assist the police in gaining lawful compliance from crowd members is, in most circumstances, a sound de-escalation tactic. Apply the performance guidelines detailed in the Crowd Management Manual and the stated Rules of Conduct and Rules of Engagement.

## **CROWD CONTROL**

**Crowd Control:** Techniques used to protect lawful public assemblies and free speech activities and prevent unlawful conduct. The techniques could include a display of formidable numbers of police officers, crowd containment tactics, crowd dispersal tactics, and individual or group arrest procedures.

- Operational Planning: Supervisors and command officers will complete an Operational Plan for significant events (per DPD Operations Manual). A comprehensive Operational Plan ensures that Department resources are efficiently coordinated.
- Crowd Leadership: An attempt will be made to coordinate with event organizers, permit holders or the leadership of a crowd if time permits. Officers assigned to plan the Department's response to an event will communicate both legal and operational needs and expectations to the event's leadership.
- Traffic Management: Event planning will include a traffic plan that will minimize the impact of the event on the normal flow of traffic. All legal permitting processes will apply. Should a spontaneous crowd issue result in traffic disruptions, as soon as the event is stabilized, supervisors and commanders should consider the need to alter pedestrian and vehicular traffic patterns to minimize traffic disruptions.
- Law Enforcement: Officers will make every effort to differentiate between individual misbehavior and actions of the crowd in general.



Voluntary compliance by members of the crowd and allowing the lawful members of the crowd and their leadership the opportunity to assist the police in gaining lawful compliance from crowd members is, in most circumstances, a sound de-escalation tactic. Apply the performance guidelines detailed in the Crowd Management Manual and the stated Rules of Conduct and Rules of Engagement.

## **RULES OF CONDUCT**

All officers and commanders will abide by the following performance guidelines while assigned to Crowd Management and Crowd Control duties.

In all situations it is critical that command officers and supervisors lead, direct and control the police response. Strong command and control elements are essential to maintaining a unified, measured and effective police response. A team based response with strong leadership is an important element of maintaining control and safety. Impulsive actions by involved officers must be managed.

Police personnel must maintain a professional demeanor, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous for officers and citizens.

### **De-Escalation**

The overriding goal of police actions at the onset of civil disturbance problems is the de-escalation of violence. Although the free expression of individuals is recognized as a priority, large crowds do not manage themselves. As such, a recognizable, approachable and visible police presence is necessary to set the threshold of acceptable behavior. The preferred use of uniformed and non-uniformed police officers is to communicate as much as possible to demonstrators and their leaders that police officers are present in order to facilitate the peaceful and lawful expression of First Amendment rights.

Officers should understand and adhere to the following principles regarding conduct in civil disturbance situations:

- The success of police tactical concepts is highly dependent on the attitude and actions of police supervisors and commanders.
- Officer behavior and appearance represent the government. Officer conduct should be unbiased while being respectful of cultures and nationalities, only judging people by their actual behavior.
- Officers should be approachable, flexible and active in making contacts. Avoid an "Us versus Them" mentality by helping legal demonstrators prevent violence.



- If possible, avoid confrontation so as to not provoke the demonstrators.
- Officers must adhere to the prescribed rules of engagement for the event. The tactical framework, designed to protect life, property and individual rights, will typically call for the police to take a preventative approach while taking strict and immediate police action against violent behavior.

### **General Rules**

- If participants fail to abide by time, place and manner restrictions made in the interest of public safety and security, the Denver Police Department must first seek voluntary compliance with those restrictions. If voluntary compliance is not obtained in a reasonable amount of time, then enforcement through the issuance of citations and/or arrest of non-compliant persons shall be the appropriate police response.
- If identifiable participants engage in disorderly conduct or violence and if circumstances allow, the Denver Police Department must respond by dispersing, controlling, or arresting the specific persons engaging in the conduct; **not** by issuing a general order to disperse.
- A general dispersal order will only be given under the following circumstances:
  1. A "significant number or percentage" of participants fail to adhere to time, place and manner restrictions **and** voluntary compliance, targeted citation and/or targeted arrest actions have not resulted or are not "reasonably likely" to result in "substantial compliance"; or
  2. A "significant number or percentage" of participants are engaging in, or are about to engage in, tumultuous and violent conduct which creates grave danger of damage or injury to property or person or substantially obstructs the performance of any governmental function.
- The Denver Police Department shall handle un-permitted demonstrations similar to permitted events (*i.e.*, a dispersal order cannot be issued solely because the assembly has no permit).
- A police line will not be used to encircle or "substantially encircle" any part of an assembly unless the following three circumstances exist:
  1. To provide safety for the demonstrators or when there is probable cause to believe that a significant number or percentage of the persons to be encircled have committed unlawful acts (other than failure to have a permit); and
  2. The police have the ability to identify those individual violators; and
  3. The police have decided to arrest the violators.

## **Monitoring "Persons of Interest"**

**Persons of Interest (POI):** Individuals who have been identified as being involved in possible criminal activity based on Reasonable Suspicion.

Shadow Teams are deployed only in areas open to the general public or in areas where the police can legally have access. Shadow Teams provide uniformed and non-uniformed personnel working as an organized group to support the Incident Commander in monitoring a lawful assembly, march or rally for unlawful behavior. The decision to monitor persons of interest must be based on a reasonable suspicion of criminal conduct. Members will communicate their contacts with persons of interest to the Intelligence Group Supervisor and use the assistance of Arrest Teams to make arrests as necessary.

## **Shadow Teams and Arrest Teams**

Shadow Teams are a team of officers assigned to identify Persons of Interest as being involved in possible criminal activity based on Reasonable Suspicion. Shadow Teams are supported by Arrest Teams that consist of a complement of officers operating in an organized manner for the purpose of identifying law violators and affecting arrests.

The Shadow Team coordinates with Field Force personnel and other elements to provide intelligence, make an arrest or contact people of interest.

During non-exigent criminal activities, the decision to make arrests during Shadow Team operations will be made by the Intelligence Group Supervisor. Shadow Team members will continue to monitor the unlawful activities until Arrest Team personnel can remove the subject with minimal disruption.

During exigent circumstances (physical threats, assaults, etc.), arrests should be made immediately in order to prevent injury. The decision to arrest under these circumstances may be made by Shadow Team personnel without the approval of the Intelligence Group Supervisor, and then only under compelling circumstances.

In general:

- Non-uniformed personnel are deployed in a crowd to monitor unlawful behavior.
- Uniformed personnel may be deployed inside or outside a crowd to support non-uniformed personnel and/or to monitor possible unlawful behavior, contact persons of interest, or make surgical arrests as needed.
- After members of the Shadow Team observe criminal activity, the team members notify the Intelligence Group Supervisor.
- Under non-exigent circumstances, the Group Supervisor determines when and how to make the arrest.



- Shadow Team members will maneuver the Arrest Team.
- If possible, a videographer will be assigned to video-tape the incident.
- A transport vehicle will be arranged.
- The Arrest Team will make the arrest and transport.
- Any evidence will be recovered and documented.
- The arrest situation will be communicated to command post personnel.
- Communication will be made with the crowd as required.
- Field Force personnel will be used as needed.
- Mass Arrest Processing Group personnel will process the arrestee.
- All police personnel will ensure minimal disruption to First Amendment activities.

## **RULES OF ENGAGEMENT**

Rules of Engagement are a set of guidelines to be used by all officers and commanders while managing and controlling crowds. Crowd management and control strategies and tactics will be utilized based on the Incident Commander's (or designee's) assessment of the crowd's threat to public safety. The assessment should include the type of disturbance, crowd size, level of violence and the presence of criminal activity.

When deciding to address law violations during crowd control situations, officers must consider the totality of the circumstances to include factors such as:

- The nature of the violation.
- The urgency of the crime (property crime or a crime against a person).
- The risk to officers and the public.
- The extent of property damaged or endangered.
- The importance of removing violators who may be impacting the rights of those involved in a lawful assembly and expressive activity in order to maintain control of the crowd and provide free expression opportunities to non-violators.

## **De-Escalation**

The policy of the Denver Police Department is not to choose a standard police reaction (such as skirmish lines and the use of chemical agents) in a robotic response to problematic crowds. Techniques such as communication, mediation and negotiation, along with the use of Shadow Teams to identify and address small numbers of law violators are preferred in an attempt to prevent the escalation of violence. Traditional police response to crowd problems will be used only when the safety and security of the public are threatened.

Although it is difficult to plan for those individuals who want violence at all costs, several de-escalation techniques that may be appropriate in certain circumstances include:



- Adopt a proportionate response to demonstrator misconduct
- Differentiate between those causing violence and those who are not
- Disengagement
- Containment
- Surveillance
- Crisis Intervention Team (C.I.T.) techniques
- Wait out a subject
- Call in reinforcements
- Limit chemical agent use in crowds
- Limit bean-bag shotgun use on crowds
- Use mass arrests as a last resort
- Lower your threshold when it comes to counter attacking violence
- Prevent escalation by not choosing a standardized police response (such as lines and charges)
- Create hard zone areas (inaccessible areas)

### **Decision to Declare an Unlawful Assembly**

The decision to declare an Unlawful Assembly and issue a dispersal order will be made by the Incident Commander (or designee).

The decision to declare an Unlawful Assembly must be based on a specific and compelling need for the safety of the public. The declaration of an Unlawful Assembly should only be issued when there are no other reasonable alternatives available. Once an assembly has been declared unlawful, a dispersal order must be announced to the crowd. This announcement should be made by the senior law enforcement officer (either by rank or position) on scene.

The intent of the dispersal order is to permanently disperse a crowd, not merely relocate the problem to another location. It should be made clear that the crowd is expected to disperse and immediately leave the area. The geography of the area should allow for the immediate egress of the crowd.

**Passive Resistive Crowd** (physical actions that do not prevent the officer's attempt to control):

The Incident Commander (or designee) may issue a declaration of unlawful assembly to a Passive Resistive crowd that is violating the law when:

- There is a specific and compelling need for the safety of the public; and
- There is no other reasonable alternative available; and
- The violators have chosen to remain after being warned to disperse.

### Aggressive or Combative Crowd:

The Incident Commander (or designee) may issue a declaration of unlawful assembly to an Aggressive or Combative crowd that is violating the law when:

- Riot conditions exist,  
or
- There is a specific and compelling need for the safety of the public; and
- There is no other reasonable alternative available; and
- The violators have chosen to remain after being warned to disperse; and
- Attempts to subdue individuals will likely be ineffective or unsafe; and
- The crowd remains after being warned to disperse.

**The authority to give dispersal orders during riot conditions are detailed in Section 18 Article 9 of the Colorado Revised Statutes:**

**Riot** means a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.

**18-9-105. Disobedience of public safety orders under riot conditions.**

A person commits a class 3 misdemeanor if, during a riot or when one is impending, he knowingly disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder or promote the safety of persons or property issued by an authorized member of the police, fire, military, or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing efforts by such forces to cope with the riot or impending riot. Inapplicability of the order is an affirmative defense.

### **Dispersal Order**

A loudspeaker or public address system should always be used to increase the likelihood that all crowd members can hear police commands. It is recognized that some crowds are so noisy that loudspeakers may be ineffective. When it is possible that some members of the crowd do not understand English, an effort should be made to give the order to disperse both in English and the other language or languages.



Unless there is an imminent threat of personal injury or significant damage to property, the dispersal order should be repeated at least three times, and if possible, from a variety of locations. The order must include dispersal route information and a warning that the refusal to disperse shall subject participants to arrest. The crowd must be provided a reasonable amount of time to disperse.

The order should be publicly announced and read verbatim as follows:

***"I am (name and rank) of the Denver Police Department. All persons assembled are in violation of (City ordinance or state statute - stated in general terms). In the name of the people of the City and County of Denver, I command all of you to disperse. Failure to disperse will subject each of you to arrest and prosecution.***

***If you remain, reasonable and necessary force may be used to disperse this unlawful assembly. The following are routes of dispersal for you to peacefully leave the area: (describe the route you want the crowd to take to leave the area). You have \_\_\_\_\_ minutes (provide a reasonable time for the crowd to leave taking into account the number of participants, location, and the number of routes) to disperse. The time is ..."***

The orders should be videotaped or tape-recorded if possible. If circumstances permit, an officer should be posted on the far side of the crowd to tape record the order. Verbal warnings may not be practical if a crowd management element is already under attack or if public safety would be seriously threatened without immediate action.

### **Crowd Dispersal**

If voluntary compliance with the dispersal order is not obtained, dispersal tactics may be necessary. The order of application of dispersal tactics is fluid (escalation and de-escalation) and will change based on the control required, consistent with the department policy of using the minimal police intervention needed to address a crowd management issue. A staging area must be established and officers must function as a team under the control of the Operations Chief (or designee). The mission is to disperse the crowd as safely as possible. Dispersal tactics that may be employed individually or in combination to disperse a crowd include:

- Dispersal Order
- Officer Presence
- Field Force Tactics
- Chemical Agent (Personal issue OC and OC fogger)
- Less-Lethal Munitions (Pepper Ball, 40mm Exact Impact)
- Riot Control Agents (CS and CN gas)



### **Crowd Management Matrix**

The matrix presented in this section outlines several strategies and tactics that may be used to address the unlawful behavior of individuals or groups. It should be realized that these are not the only options available to law enforcement when faced with crowd management and crowd control situations. Additionally, as the level of unlawful behavior increases, a higher level of control may be necessary depending on the exigency of the circumstances and the size of the crowd.

Any decision to use force should take into consideration the following factors when determining "objectively reasonable" options based on the totality of the circumstances known at the time:

1. Imminent threat of injury to an officer(s) and/or others. The greater the level of the threat, the greater the level of force that may be used.
2. If the person is actively resisting seizure, the officer may escalate the justified (reasonable) level of force.
3. Circumstances are tense, uncertain, and rapidly evolving. Some incidents take hours to resolve, while others are over in seconds. The more intense, uncertain and rapidly evolving the incident, the higher the level of force that may be reasonable.
4. The more severe the crime, the more force that may be justified.
5. Attempting to evade seizure by flight may justify escalating the level of force.

The force options presented are subject to C.R.S. §18-1-707, which states in part regarding the use of physical force in making an arrest or in preventing an escape:

1. A peace officer is justified in using reasonable and appropriate **physical force** upon another person when and to the extent that he reasonably believes it necessary:
  - a. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
  - b. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest or while preventing or attempting to prevent such an escape.



## Denver Police Department Crowd Management Matrix

Types of Behavior (Individual or Crowd)	Behavior Defined	Strategy	Level of Force or Tactic	Who Authorizes Use?	Does behavior support criminal charge of resisting arrest?	Application (individual or group)
<b>• • • • • AGAINST A SPECIFIC INDIVIDUAL • • • • •</b>						
Psychological Intimidation (Toward police)	<ul style="list-style-type: none"> <li>• Non-verbal cues</li> <li>• Attitude, appearance, demeanor or posture</li> <li>• Indicates unwillingness to cooperate</li> <li>• Indicates a threat to injure a person</li> </ul>	Gain Cooperation	Command Presence  Voice Control  Hand Control  CIT (Crisis Intervention)	Affected Officer	No	Against a Specific Individual
Verbal Non-Compliance (Toward police)	<ul style="list-style-type: none"> <li>• Verbal responses</li> <li>• Indicates unwillingness to comply</li> <li>• Indicates threat to injure a person</li> </ul>	Gain Compliance	Command Presence  Voice Control  Hand Control  CIT (Crisis Intervention)	Affected Officer	No	Against a Specific Individual
Passive Resistance (Toward police)	<ul style="list-style-type: none"> <li>• Physical actions</li> <li>• Do not prevent the officer's attempt to control</li> <li>• Example: a person who remains in a limp or prone position</li> </ul>	Gain Compliance	<i>All of the above plus:</i>  Carry Techniques  Pain Compliance Techniques  Arrest Control Techniques  Impact Tools (Escort Only)	Affected Officer	No	Against a Specific Individual
Defensive Resistance (Toward police)	<ul style="list-style-type: none"> <li>• Physical actions</li> <li>• Attempt to prevent officer's control</li> <li>• Does not involve attempts to harm officer</li> <li>• Includes flight or attempt to flee</li> </ul>	Gain Compliance	<i>All of the above plus:</i>  Chemical Agent (OC Based)  Pepper Ball System	Affected Officer	Yes	Against a Specific Individual
Active Aggression (Toward any person)	<ul style="list-style-type: none"> <li>• Physical actions</li> <li>• Threat or overt act of an assault</li> <li>• Coupled with present ability to carry out the threat or assault</li> <li>• Reasonably indicates assault or injury to any person is imminent</li> </ul>	Stop the Threat	<i>All of the above plus:</i>  40mm Launcher  Defensive Tactics (Strikes and Kicks)  Impact Tool (Strike)  ERD/Taser	Affected Officer	Yes	Against a Specific Individual
Aggravated Active Aggression (Toward any person)	<ul style="list-style-type: none"> <li>• Physical actions</li> <li>• Deadly force encounter</li> </ul>	Stop the Threat	<i>All of the above plus:</i>  Deadly Force  Carotid Compression Technique	Affected Officer	Yes	Against a Specific Individual
<b>• • • • • AGAINST A GROUP • • • • •</b>						
Casual Crowd	<ul style="list-style-type: none"> <li>• No common bond, interest or purpose</li> </ul>	Protect First Amendment Rights  Protect participants from law violators	Crowd Management  Officer Presence	Division or Unit Supervisor	No	Against a Group
Hostile Crowd	<ul style="list-style-type: none"> <li>• Likely to erupt in unlawful behavior</li> </ul>	Prevent Unlawful Behavior	Crowd Management  Officer Presence  Crowd Control  Field Force Tactics	Division or Unit Supervisor	No	Against a Group



## Denver Police Department Crowd Management Matrix

Types of Behavior (Individual or Crowd)	Behavior Defined	Strategy	Level of Force or Tactic	Who Authorizes Use?	Does behavior support criminal charge or resisting arrest?	Application (Individual or group)
<b>..... AGAINST A GROUP OR SPECIFIC INDIVIDUAL .....</b>						
Conventional/Expressive Crowd	<ul style="list-style-type: none"> <li>• Deliberate and appointed purpose</li> <li>• Deliver a message</li> <li>• Emotional or highly charged</li> </ul>	Protect First Amendment Rights  Protect participants from law violators  Prevent Unlawful Behavior	Crowd Management  Officer Presence	Division or Unit Supervisor	No	Against a Group or Specific Individual
Lawfully dispersing crowd or individual	<ul style="list-style-type: none"> <li>• Crowd or individual is lawfully dispersing</li> <li>• Crowd or individual is lawfully retreating</li> </ul>	Protect First Amendment Rights  Protect participants from law violators  Prevent unlawful behavior	Crowd Management  Officer Presence	Division or Unit Supervisor	No	Against a Group or Specific Individual
<b>..... AGAINST A SPECIFIC INDIVIDUAL IN A CROWD .....</b>						
Aggressive or Combative Persons in a Crowd Control Situation	<ul style="list-style-type: none"> <li>• Conduct poses a clear and present danger of imminent violence</li> <li>• On-going destruction of property that presents a threat to any person</li> <li>• Individual armed with weapons other than firearms</li> </ul>	Stop the unlawful behavior of the individual	Isolate and Arrest and/or Force Utilized by Organized Squad  Crowd Management Crowd Control Field Force Tactics Chemical Agent (OC Based) Less-Lethal Munitions	Division or Unit Supervisor	Yes	Against a Specific Individual in a Crowd
Violent Criminal Conduct in a Crowd Control Situation	<ul style="list-style-type: none"> <li>• Conduct poses a clear and present danger of imminent violence</li> <li>• Serious assaultive behavior</li> <li>• Threats with a deadly weapon</li> </ul>	Stop the unlawful behavior of the individual	Isolate and Arrest and/or Force Utilized by Organized Squad  Same as Active Aggression above  Same as Aggravated Active Aggression above	Division or Unit Supervisor  <i>In Emergency Circumstances only: Squad Leader or Affected Officer</i>	Yes  (If Defensive Resistance or Active Aggression is exhibited)	Against a Specific Individual in a Crowd
<b>..... AGAINST A GROUP (UNLAWFUL ASSEMBLY) .....</b>						
Unlawful Assembly	<ul style="list-style-type: none"> <li>• <u>Passive</u> Resistance/Peaceful crowd</li> <li>• Physical Actions</li> </ul>	Stop the unlawful behavior	Issue a Dispersal Order Command Presence Voice Control Hand Control Carry Techniques  CIT (Crisis Intervention)  Pain Compliance Techniques  Arrest Control Techniques  Impact Tools (Escort Only)	Incident Commander	No	Against a Group
<b>BASED PRIMARILY ON:</b> Offenses under D.R.M.C. Chapter 38 Article IV Offenses Against Public Order and Safety and C.R.S. Title 18 Article 9 Offenses Against Public Peace, Order and Decency  <b>FOR THE NEED TO:</b> Protect Public Order Protect Property Protect Life						
	<ul style="list-style-type: none"> <li>• Do not prevent the officer's attempt to control</li> <li>• Example: a person who remains in a limp or prone position</li> <li>• Specific and compelling need for the safety of the public</li> <li>• No other reasonable alternatives available</li> <li>• Includes crowd remaining after being warned to disperse</li> </ul>			<i>In Emergency Circumstances only: Division or Unit Supervisor, Squad Leader or Affected Officer</i>		



## Denver Police Department Crowd Management Matrix

Types of Behavior (Individual or Crowd)	Behavior Defined	Strategy	Level of Force or Tactic	Who Authorizes Use?	Does behavior support criminal charge of resisting arrest?	Application (Individual or group)
<b>..... AGAINST A GROUP (UNLAWFUL ASSEMBLY) .....</b>						
Unlawful Assembly  <b>BASED PRIMARILY ON:</b> Offenses under D.R.M.C. Chapter 33 Article IV Offenses Against Public Order and Safety and C.R.S. Title 18 Article 9 Offenses Against Public Peace, Order and Decency  <b>FOR THE NEED TO:</b> Protect Public Order Protect Property Protect Life	<ul style="list-style-type: none"> <li>• Aggressive or Combative Crowd</li> <li>• Riot conditions exist</li> <li>• Specific and compelling need for the safety of the public</li> <li>• No other reasonable alternatives available</li> <li>• Attempts to subdue individuals will likely be ineffective</li> <li>• Attempts to subdue individuals will likely be unsafe</li> <li>• Includes crowd remaining after being warned to disperse</li> </ul>	Permanently disperse the crowd	Issue a Dispersal Order	Incident Commander	No	Against a Group
				<i>In Emergency Circumstances only: Division or Unit Supervisor, Squad Leader or Affected Officer</i>		
Riot/Mob	<ul style="list-style-type: none"> <li>• Intense excitement or agitation</li> <li>• Loss of sense of reason and respect for law (mob mentality)</li> <li>• Follow leaders in lawless acts</li> <li>• Attempts to subdue individuals will likely be ineffective</li> <li>• Attempts to subdue individuals will likely be unsafe</li> </ul>	Address unlawful behavior of the  Permanently disperse the crowd  Regain control and order	Crowd Dispersal  Field Force Tactics  Less-Lethal Munitions  Force Utilized by Organized Squad  Chemical Agent (OC Based)  Riot Control Agents (CS Gas™)	Incident Commander	No  (Other more serious charges may apply)	Against a Group
<b>OC Chemical Agent:</b> Oleoresin Capsicum (O.C.) based chemical munitions such as personal issue OC, Mark 9, Mark 46 Foggers and OC Blast Ball						
<b>CS Gas:</b> Chemical irritant in pyrotechnic grenades used primarily by grenadiers when authorized by the Incident Commander. CS gas leaves a powdery residue.						
Per DPD O.M.S. 108.02 (5)c5c: <b>Authorization for use of a chemical agent:</b> other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant. The use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.						
As stated in C.R.S. 18-18-103 <b>Resisting Arrest:</b> A person commits resisting arrest if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest of the actor or another by: (a) Using or threatening to use physical force or violence against the peace officer or another, or (b) Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.						
As stated in C.R.S. 18-9-104 <b>Engaging in a riot:</b> (1) A person commits an offense if he or she engages in a riot. The offense is a class 4 felony if in the course of rioting the actor employs a deadly weapon, a destructive device, or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon; or if in the course of rioting the actor represents verbally or otherwise that he or she is armed with a deadly weapon; otherwise, it is a class 2 misdemeanor.						
<b>"Riot"</b> means a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.						
As stated in C.R.S. 18-9-105 <b>Disobedience of public safety orders under riot conditions:</b> A person commits a class 3 misdemeanor if, during a riot or when one is impending, he knowingly disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder or promote the safety of persons or property issued by an authorized member of the police, fire, military, or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing efforts by such forces to cope with the riot or impending riot. Inapplicability of the order is an affirmative defense.						



## **USE OF FORCE OPTIONS**

In addition to the traditional Riot Control Baton and Chemical Agents, there are generally two less lethal systems appropriate for use in crowd control incidents: the Pepper Ball system and the 40mm launcher. The use of these systems against individuals involved in criminal acts is outlined in Operations Manual section 105.00 (Use of Force Policy).

### **Pepper Ball System**

Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.

In general, an officer may deploy the Pepper Ball projectile without supervisory authorization against a specific individual who is not part of a civil disturbance. The behavior of the targeted individual must rise to at least the level of ***Defensive Resistance***.

The Pepper Ball projectile will not be deployed against a specific individual in a crowd without the approval of the Division or Unit supervisor. Additionally, the Pepper Ball system will not be used against a group or crowd without prior authorization from the Incident Commander.

Use of the Pepper Ball system in crowd control situations may be appropriate in the following circumstances:

- To support the skirmish line.
- To use stand-off force application to encourage individuals to come down from trees, fences, walls, poles or signs when their elevated position or actions pose a threat to the field force. (The safety of targeted subjects must be considered in the event that Pepper Ball strikes cause them to fall.)
- Against subjects within a crowd who are actively throwing objects at police officers.
- To mark individuals for future identification and arrest.
- To provide cover while Arrest Teams penetrate a crowd, or against individuals who attack the Arrest Team or violently interfere with the movement of the team or arrest process.

Pepper Ball operators are responsible for every round they fire. They must ensure that innocent persons are not struck unintentionally.

Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile:



- To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.
- To a pregnant female, if the officer has knowledge of the pregnancy.
- On or in an open wound if the officer has knowledge of the open wound.

When practical, officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.

If possible, immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. However, in crowd control situations this may not be feasible or appropriate.

#### **40MM Launchers**

Use of the 40mm launcher shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.

In general, an officer may deploy 40mm rounds without supervisory authorization against a specific individual who is not part of a civil disturbance. The behavior of the individual must rise to at least the level of **Active Aggression**.

Only the "40mm Exact Impact" or Direct Impact (OC) round will be used for crowd control. Other Impact munitions (Baton rounds, Rubber Buckshot, Beanbag Shotgun, etc.) will not be used without the approval of the Incident Commander.

The 40mm launcher will not be used against a specific individual in a crowd without the approval of the Division or Unit supervisor. Additionally, the 40mm system will not be used against a group or crowd without prior authorization from the Incident Commander.

Use of the 40mm launcher in crowd control situations may be appropriate in the following circumstances:

- Against violent individuals within a crowd.
- Against subjects who are actively throwing objects at police officers.
- Against subjects who are at risk of causing imminent bodily injury to other persons.
- To mark individuals for future identification and arrest for illegal acts that include active aggression.
- To provide cover while Arrest Teams penetrate a crowd, or against individuals who attack the Arrest Team or violently interfere with the movement of the team or arrest process.

40mm operators are responsible for every round they fire. They must ensure that innocent persons are not struck unintentionally. Unless deadly force is warranted, an officer shall not intentionally deploy the 40mm projectile as follows:

- To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.
- Against a pregnant female, (if the officer has knowledge of the pregnancy).

When practical, officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.

If possible, immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. However, in crowd control situations this may not be feasible or appropriate.

#### **42" Riot Baton**

If a person resists non-violently (Passive Resistance), an impact tool may be used to apply come-along or escort techniques only, without prior authorization. Use of any baton as an impact tool to strike any individual shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes. In general, an officer may use the baton without supervisory authorization to strike a specific individual who is not part of a civil disturbance. To use an impact tool for striking, the behavior of the individual must rise to at least the level of **Active Aggression**.

The 42" Monadnock, polycarbonate baton is authorized for use solely in civil disturbance events. In crowd control situations, the riot baton is generally used in conjunction with Field Force tactics. Authorization for the use of Field Force tactics in order to address a crowd will be made by the Division or Unit Supervisor. The 42" riot baton is meant to be displayed in such a way as to gain voluntary compliance from a crowd without intentionally making physical contact with any person.

With this goal in mind, the baton will be used in the following manner:

- All techniques begin with the baton carried at the LEFT SHOULDER – RIGHT HIP.
- The majority of the techniques used are two count movements done at a half-step march.



- Officers will give the order “MOVE – BACK” as needed in an attempt to move a crowd in a specific direction. The “MOVE – BACK” command will be given in uniform cadence, coinciding with the step count as the officers move in a particular direction. The command will be given in a loud and deliberate manner, clearly indicating that the crowd is expected to move in a particular direction.
- Other non-contact uses of the baton include:
  - Order Arms
  - Port Arms
  - Parade Rest
  - On Guard
  - Low Guard

The 42” baton is used primarily to direct the movement of crowds without contact. A person who remains non-violent will not intentionally be struck with the baton. However, if an individual forcefully resists and/or attacks an officer or other person, or fails to move back as directed, force may be necessary. Officers may use the baton to push and make contact with an uncooperative individual in a crowd. The command to MOVE – BACK will still be verbalized. Officers are also permitted to strike an individual if threatened with Active Aggression as described above.

Officers must use reasonable care to confine such pushes or strikes to areas of the body which, if struck, are not intended or likely to cause serious bodily injury. The head and neck shall not be intentionally struck with any impact tool/device unless the officer is justified in using deadly force.

Uses of the baton include:

- Baton Push (with contact)
- Baton Thrust
- Baton Strike
- Baton Retention
- Defense against attack

### **Chemical Munitions**

Use of personal issue chemical munitions (OC, Mark 9, Mark 46 Foggers & OC Blast Ball) shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.

In general, an officer may deploy chemical munitions without supervisory authorization against a specific individual who is not part of a civil disturbance. The behavior of the individual must rise to at least the level of *Defensive Resistance*.

The use of a chemical agent for crowd control or riot control must be authorized by the Division or Unit Supervisor, except in the event of an emergency when the Squad Leader or other officer in charge of a field situation cannot reasonably contact higher authority.

Chemical agent use in crowd control situations may be appropriate in the following circumstances:

- To prevent an injury to an officer or a third person.
- To subdue a person who is threatening or attempting physical harm to himself or another.
- Against subjects resisting arrest.
- To quell rioting.
- Against subjects interfering with an arrest.
- Any situation where the officer can clearly articulate the need for deployment.



## **TERMS AND DEFINITIONS**

**40mm Launcher:** Either a single round or multi-launcher, department approved less-lethal weapon, with fixed stock and rifle barrel.

**Active Aggression:** A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

**Aggravated Active Aggression:** Deadly force encounter.

**Arrest Teams:** A complement of officers operating in an organized manner for the purpose of identifying law violators and affecting arrests.

**Carotid Compression Technique:** A technique used to incapacitate a combative or physically resistive person whose conduct rises to the level of aggravated active aggression. Application of this technique compresses the carotid arteries and diminishes the supply of oxygenated blood to the brain, resulting in unconsciousness.

**Chemical Agent:** An inflammatory Oleoresin Capsicum (OC) agent that causes swelling of the mucous membranes and a burning sensation to the eyes, face and throat.

**Command Presence:** A general force level that requires no physical contact. This force option allows the officer to be able to persuade and influence without physically touching an individual.

**Crowd Control:** Techniques used to protect lawful public assemblies and free speech activities and prevent unlawful public assemblies. The techniques could include a display of formidable numbers of police officers, crowd containment tactics, dispersal tactics, and individual or group arrest procedures.

**Crowd Dispersal:** Methods and techniques intended to permanently scatter, disband or break up a crowd.

**Crowd Management:** Techniques used to address lawful public assemblies before they begin and during the event for the purpose of guaranteeing a lawful assembly. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, past event critiques and future planning.

**Defensive Resistance:** Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.

**Defensive Tactics:** Physical force techniques designed to be used in a self-defense capacity and/or to control a resistive situation.

**ERD/Taser:** Advanced Taser M-26 ERD (Electronic Restraint Device) which uses a twenty-six (26) watt electrical signal to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the M-26 to physically debilitate a target regardless of pain tolerance or mental focus.

**Field Force Tactics:** Maneuvers utilized by one or more squads of officers employed to manage or control a crowd.

**Hand Control:** A minimal type of physical force used to guide or control an individual.

**Impact Tool:** Include the Department approved police baton, sap, billy club, flashlight, and O.P.N. which can be used for striking or to apply come-along/escort-compliance holds.

**Less Lethal Weapon:** Any apprehension or restraint device approved for carry which, when used as designed and intended, has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD/TASER), Pepper Ball deployment systems, less lethal twelve (12) gauge shotguns and forty (40) mm projectile systems and others as approved by the Chief of Police.

**Less-Lethal Munitions:** See definition for less-lethal weapon

**Mass Arrest Processing Teams:** Teams of officers who can be independently deployed to perform on-site arrest processing prior to releasing arrestees to the Prisoner Processing Branch.

**Officer Presence:** The display of formidable numbers of police officers for the purpose of managing or controlling a crowd.

**Organized Squad:** A complement of officers generally consisting of a squad leader and 8-10 members operating in a structured and uniform manner.

**Passive Resistance:** Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp or prone position.

**Pepper Ball System:** Air-Powered launch device and projectiles that are plastic spheres filled with powdered or liquid five (5) % Oleoresin Capsicum (OC). The projectiles burst on impact and release OC.



**Persons of Interest (POI):** Individuals who have been identified as being involved in possible criminal activity based on Reasonable Suspicion.

**Psychological Intimidation:** Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.

**Reasonable Suspicion:** The reasonable belief that a person is committing, has committed, or is about to commit a crime

**Resistance:** As stated in C.R.S. 18-18-103 Resisting Arrest: A person commits resisting arrest if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest of the actor or another, by: (a) Using or threatening to use physical force or violence against the peace officer or another; or (b) Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.

**Riot Control Agents:** Chemicals that produce extreme eye discomfort and closure to incapacitate the recipient and make him or her incapable of resisting or remaining noncompliant. Their major functions are to cause pain, burning, or irritation of the mucus membranes and large amounts of discharge from the nose and eyes.

**Shadow Team:** A team of officers assigned to identify Persons of Interest as being involved in possible criminal activity based on Reasonable Suspicion.

**Verbal Non-Compliance:** Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.

**Videographers:** Personnel specifically dedicated to document police actions and police response to civil disturbance activities.

**Voice Control:** A general force level that requires no physical contact. This force option allows the officer to be able to persuade and influence without physically touching an individual.

**Planned Event Management:** Management of an activity involving large numbers of people that requires a permit or is planned and publicized beforehand. Such occurrences may include but are not limited to parades, concerts, religious gatherings, parties, community activities, sporting events, and demonstrations.

**Spontaneous Event Management:** Management of an unplanned or unforeseen event or incident that may create a risk to public safety, peace and order, or damage to property. Such incidents may include but are not limited to crowd disorders, incidents at schools, transportation accidents, bombings, explosions, disasters, major fires, labor disputes, celebratory crowds and organized protests.

## **FIELD FORCE TACTICS AND PROCEDURES**

The following section describes equipment, personnel and general procedures necessary for a Field Force response, as well as squad and platoon commands and maneuvers.

### **Terminology**

**Team** – Generally, 4 officers supervised by a Corporal, Technician or other officer designated as the Assistant Squad Leader.

**Squad** – Generally, 2 Teams or 8 officers, 2 Less Lethal/Grenadiers who serve as Assistant Squad Leaders and a Sergeant or other officer designated as a Squad Leader.

**Platoon** – 4 Squads commanded by a Lieutenant or other officer designated as a Platoon Leader.

**Company/Division** – 2 or more platoons commanded by a Captain, Commander or other officer designated as a Company/Division supervisor.

For the purpose of this manual, the term *field force units* and *rapid response units* are essentially interchangeable. Both are made up of four Squads of officers forming a Platoon. Although their basic duties may differ, either can form what is commonly referred to as a “field force”.

Generally, field force units are deployed in deliberate, slow-moving formations. They can be used to clear disturbances involving large crowds from streets or other locations. Field force groups can travel by bus with police escort or entirely by patrol car.

In Denver, the rapid response unit concept involves greater mobility. Response teams/squads can operate as a field force, or divide into smaller units using a rapid response to quell smaller disturbances, acts of vandalism or violence. The use of police cars or highly mobile multi-passenger vehicles is essential to ensure mobility and a quick response.

### **Personnel & Resources**

Field forces (Squads and Platoons) can be quickly assembled from in-service patrol personnel or preplanned for large-scale crowd events. When drawn from in-service personnel, field forces will meet at a designated location and form a vehicle caravan for efficient transportation.



- Generally, three to four officers per car.
- Lead vehicle will contain Squad Leader, Assistant Squad Leaders, Less Lethal/Grenadier.
- Directly behind the lead vehicle will be vehicle(s) containing the squad officers.
- Additional squads will follow in succession.
- Slow code 10 response assures that all vehicles remain together (spontaneous events or at the direction of field force commander).

### **Staging**

With spontaneous events, field forces should generally stage outside the view of the crowd incident, but close enough to reach it on foot. During planned events, field forces may be staged in clear view of crowd participants.

With spontaneous events, police vehicles can be parked diagonally, by backing into side-by-side spaces, allowing for a quick withdrawal if necessary. During planned events, police vehicles may be parked in designated formations or locations or completely removed from the area once the officers dismount.

During spontaneous events sergeants or squad leaders will assist with parking to insure efficiency. Police or other vehicles should not block points of ingress and egress.

### **On-Scene Preparation**

All personnel gather equipment such as shields, batons, less lethal systems, chemical munitions, etc.

Additional officers should be assigned as security for any police vehicles parked in the area. In large events police vehicles should stage away from the area of the incident.

Once on-scene, Squads will immediately Fall-In (Post) in a column of two; platoons immediately post in a double column.

Generally, officers assigned to the skirmish line will deploy in turtle gear, helmet, gas mask and 42" baton. Deployment of shields will depend on the circumstances and availability.

## **Verbal Commands**

All commands for movements are given using **preparatory commands** and the **command of execution**. In addition to verbal commands, **hand signals** are simultaneously given in the event of crowd noise. Military bearing is used to present a formidable and professional appearance.

All commands given are echoed by the Squad and Assistant Squad leaders, ensuring that they are understood over crowd noise/distracted. This is especially important once officers are wearing gas masks and commands are muffled.

## **Arrest Teams**

Arrest Teams take action at the direction of the Division supervisor, Platoon leader or Squad leader.

Arrest teams can be made of single or multiple squads from behind the skirmish line and are supervised by a squad leader.

Depending on the dynamics of the crowd being faced, Arrest Teams must consider how far into the crowd they can safely penetrate to affect an arrest.

Arrest Teams may act while the skirmish line is advancing or stationary. Advancing skirmish lines must walk around and past the Arrest Team as it is taking a subject into custody. If the skirmish line is stationary, the Arrest Team will bring the subject back behind the line.

The field force commander has final authority on how far to proceed once an arrest is made. If a scout car is available, it can follow directly behind the field force, gathering prisoners along the way.

## **Cut Teams**

Cut Teams are deployed for the purpose of defeating "Protestor Devices" used to secure protestors together or to an object to blockade a location or intersection or prevent access to an area or building. Protestor Devices require the use of tools by law enforcement to defeat the device for the purpose of making an arrest.

Cut Teams must work in a secure environment and require the assistance of crowd management elements to ensure that their actions and equipment are safe from interference. Crowd control may be necessary to insure a safe environment for the cut teams to operate.



Crowd management units should be ready to provide support to the Cut Teams in the event of an incident. This assistance will include area security, on-scene crowd management, and providing officers to perform the arrest of the individuals cut from devices.

### **Familiarity & Practice**

Field Force concepts should be practiced at regular intervals. Officers should always have their protective equipment with them in their patrol car. This includes turtle gear, gas mask, helmet and baton.

### **Typical Equipment**

- Flashlight
- Gas masks (filters)
- Helmets & face shields – marked with unit / rank designation
- 42" Baton & acrylic shields
- OC Spray with holsters & fire suppression equipment with holsters
- Protective Turtle gear – chest (marked with agency & badge number designations), arms, legs, ballistic vests
- Portable radios and headsets (radio discipline required), extra batteries
- Uniform shirts & jackets
- Flex cuffs (marked with agency / serial #) & knife or cutter for flex cuffs
- Hand wipes / cleaning rag / plastic bags for contaminated uniforms
- Drinking water / snacks
- Chemical Munitions with bag or vest (triple chaser, baseball grenades, etc.)
- Pepper Ball w/ vests
- 40MM w/ vests
- Vehicles (rear doors unlocked), scout cars, buses
- Megaphone (Bullhorn)
- Saline – may depend on the type of gas used

### **Safety Equipment**

It is understood that a formidable police presence can have a quieting affect on crowds that are not fully committed to riotous or illegal action.

The use of safety equipment is of paramount importance for the protection of officers involved in crowd management incidents. Safety equipment includes but is not limited to helmet, gas mask, turtle suit, straight baton and shields.

With the tense and rapidly evolving threats of crowd management, officers may not have time to retrieve protective equipment when it is not on their person. All officers assigned to a crowd management incident will have their safety equipment available at hand when responding to these events.

Officers will deploy with a minimum of straight baton, helmet and gas mask slung on their person for quick deployment if necessary. The use of control options, turtle suits and shields will be deployed when directed by a supervisor or when the officer can articulate the need based on safety.

### **Gas Masks**

Gas masks will be donned and doffed using the following commands:

**Line Support Masking** – While in skirmish line formation, the officers will mask based on their numbers (1,2,1,2). When commanded, the odd numbers will fall in behind the even numbers (who will hold the line) drop to one knee and don the mask. Once done, they will trade places with their even counterpart who will then mask.

**Emergency Masking** – On the command for emergency mask, all officers will drop to one knee and immediately don the gas mask. Once complete, they will stand, signifying that they are ready.






Squad Leaders and Assistant Squad leaders will ensure that all officers have donned their mask correctly, replaced and secured their helmet, and secured their gas mask carrier.

**Removal of the Mask** – When all clear, the Squad/Platoon/Company supervisor or leader will remove their gas mask and wave it above their head. All officers will drop to one knee and remove their mask. Once done, they will stand, signifying that they are done.


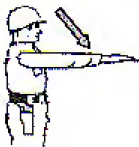








## Examples:

### Commands from the Halt





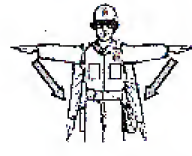




Action	Preparatory Command	Command of Execution	Notes
Fall in or POST	<b>Squad</b>	<b>POST</b>	Officers should immediately count off (1,2,1,2) by Team starting with the team on the right. The team on the left will count off (2,1,2,1).
			
Left/Right Face	<b>Left or Right</b>	<b>Face</b>	
			
About Face	<b>About</b>	<b>Face</b>	
			
Parade Rest	<b>Parade</b>	<b>Rest</b>	(No Hand Signal)
	<b>Parade</b>	<b>Rest</b>	
At-Ease	<b>Squad</b>	<b>At-Ease</b>	(No Hand Signal)
Dismissed	<b>Squad</b>	<b>Dismissed or Fall-Out</b>	(No Hand Signal)




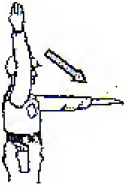






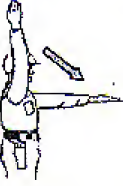
### Commands on the Move

Action	Preparatory Command	Command of Execution	Notes
Forward March	Forward	March	
			
Column Right/Left	Column Right or Left	March	
			
Counter Column	Counter Column	March	
			
Squad Halt	Squad	Halt	
			



### Commands in Squad formations

Action	Preparatory Command	Command of Execution	Notes
Skirmish Line	<b>Line Formation</b>	<b>Move</b>	
			
Emergency Line	<b>NONE</b>	<b>Emergency Line</b>	No Preparatory Command. Officers form emergency skirmish line on the leader.
			
Crossbow Line Formation	<b>Crossbow</b>	<b>Line Form.- Move</b>	
			
Close Support	<b>Close Support</b>	<b>Move</b>	
			
Guard Movements Left or Right	<b>Left or Right Guard</b>	<b>Move</b>	
			

Action	Preparatory Command	Command of Execution	Notes
Gap Slide or Surge	Gap slide 	Move 	Commanders must dictate how far to advance.
Encirclement	Encirclement 	MOVE 	Used for rescue or arrest in the crowd. Leaders also need to ensure that their element knows who or what to encircle.
Separation	Separation 	MOVE 	Used to separate factions within the crowd or open a path through the crowd to pass through. Leaders also need to ensure that their element knows who or what to separate.
Line Support Mask	Line Support 	Mask 	Used when time permits. The Odd numbered officers use the even numbered officers on the line as cover kneel behind them and mask. When done the evens return to the line and the odds then mask.
Emergency Mask	NONE	Mask, Mask, Mask 	No preparatory command. Used to have an entire element immediately drop to one knee and mask.
Baton Push	Baton Push 	Move 	Baton Push at a half step, address the crowd.

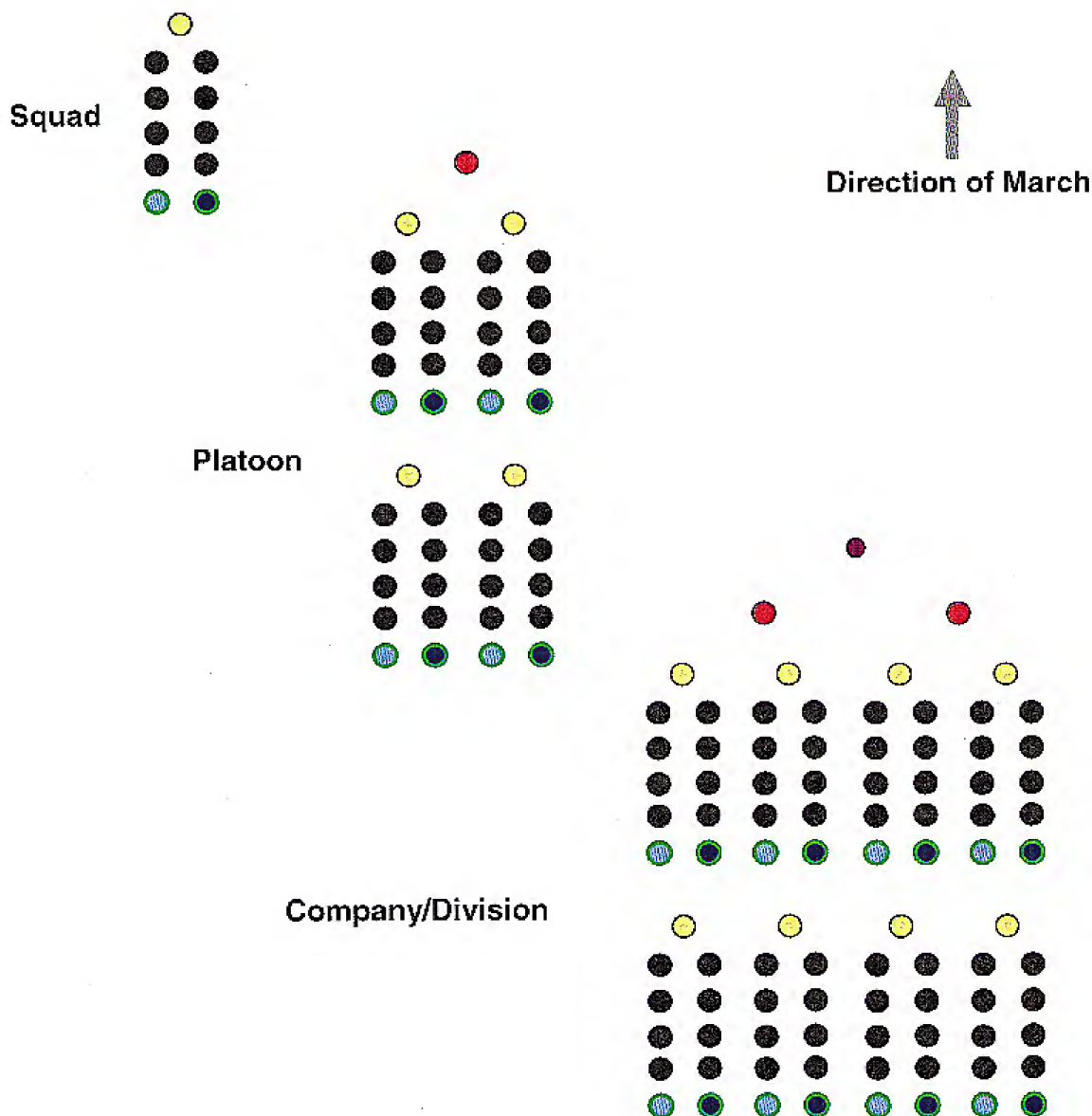


## FORMATIONS

### Legend

● Captain/Commander	(Company/Division Supervisor)	
● Lieutenant	(Platoon Leader)	
● Sergeant	(Squad Leader)	Grenadier
● Corporal/Technician	(Asst. SL)	Pepper ball/Grenadier
● Corporal/Technician	(Asst. SL)	40MM/Grenadier
● Officer		(42" Baton)

**Column Formations** - used to move elements on foot to and from the scene of an incident. Officers will automatically lower their helmets protective face shield upon falling into the column of twos.



## Movement in Column Formation

Forward March  
Squad Halt



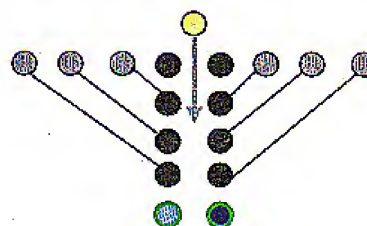
Column Right (or Left)



Counter Column



Form Skirmish Line





**Line Formations** – Used to manage crowds for containment and control.

**Squad**

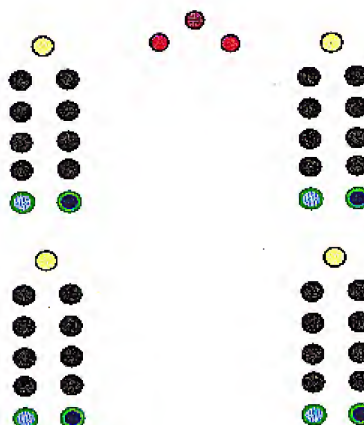


Threat Direction

**Platoon**



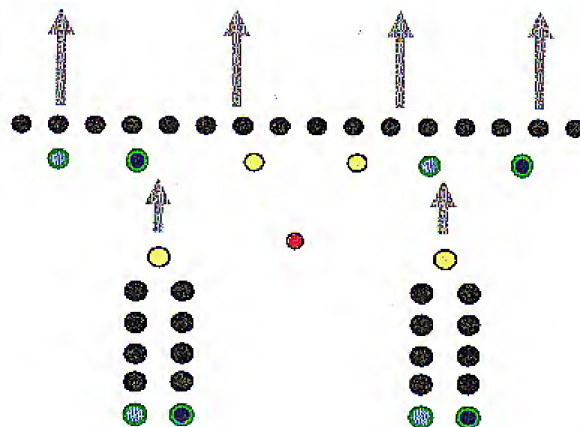
**Company/Division**



## Tactical Movements

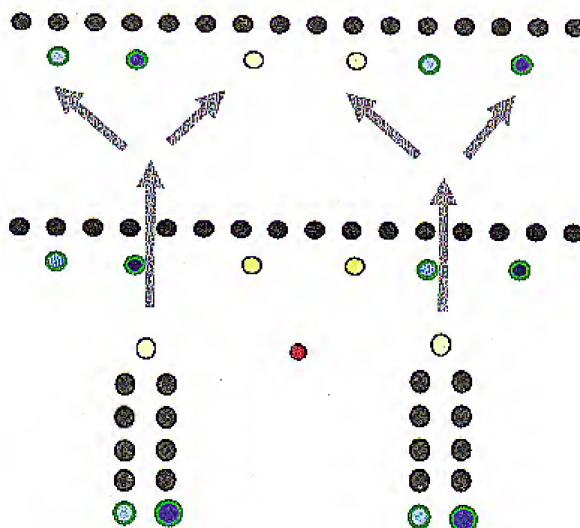
### Line Advance

The Platoon moves forward, at half-step, full step or double time pace. If in proximity to the crowd, the speed is slowed and the crowd is addressed "**Move Back**" and the "**Baton Push**" is used.



### Crossbow Line Formation

The **Crossbow** is used to rapidly push through the forward element and form a new skirmish line to the front. The original skirmish line now immediately re-posts in double column preparing to advance.

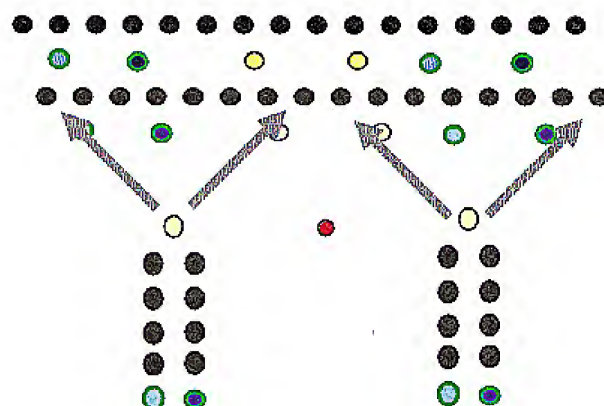




### Close Support

**Close Support** is used to add a second skirmish line behind & offset of the forward element. This tactic provides a formidable presence to the crowd and assists in holding the line.

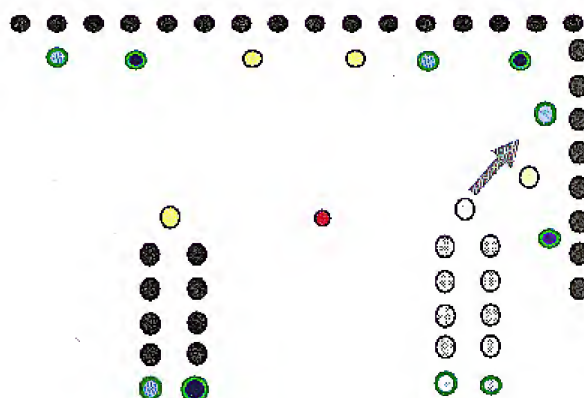
Close Support can be done with multiple squads to form formations up to 4 deep.



### Left/Right Guard

Guard movements are used to protect the flank of the skirmish line.

Depending on the threat and geography the two follow squads can be used to cover either the left, right or both flanks simultaneously.

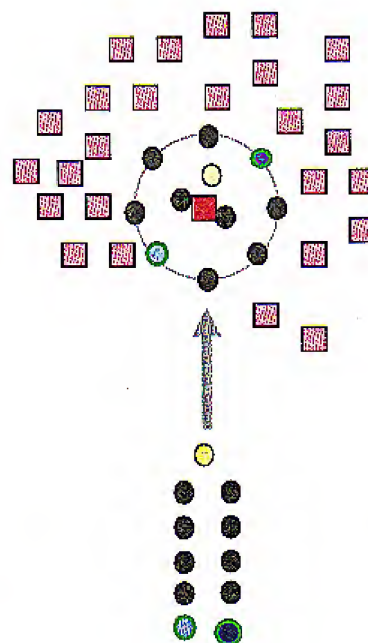


## Encirclement

**Encirclement** is used to penetrate a crowd to make an arrest or rescue. The **lead** two officers will make the arrest or rescue, while the rest of the squad(s) provide a secure perimeter to work in.

Line officers address the crowd using the *"Move Back"* command with the *"Baton push"* to form and hold the circle.

In large more violent crowds multiple squads should be used.

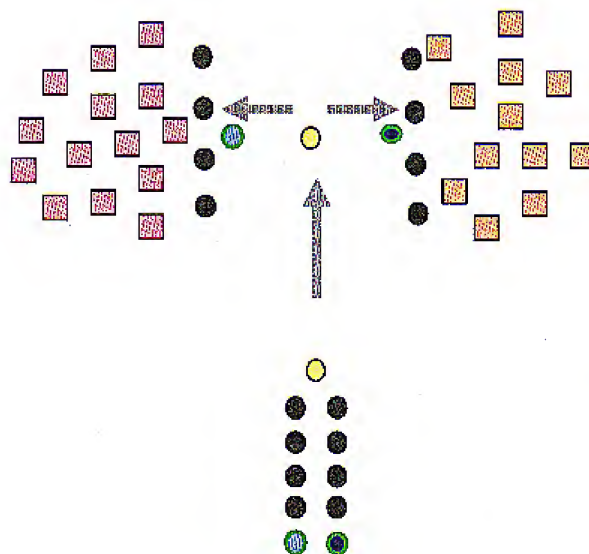


## Separation

**Separation** is used to separate two hostile groups, or open a path through a crowd.

Line officers enter in column formation, turn into and address the crowd using the *"Move Back"* command with the *"Baton push"* to move and hold the crowd back.

In large more violent crowds multiple squads should be used.





## **APPENDIX A**

### **STATE LAWS AND CITY ORDINANCES**

In incidents where the dispersal of a crowd for the purpose of "**Protection of Property**" and/or the "**Protection of Public Order**" becomes necessary, the following violations may be considered in ordering crowd dispersal:

- 38-89 (a) Disturbance
- 38-61 Damaging, defacing or destruction of public property
- 38-62 Protection of fire and police property (unlawful to deface, interfere with, etc.)
- 38-71 Damaging, defacing or destruction of private property
- 38-86 Obstruction of streets or other public passageways
- 38-101 Prohibited noises
- 38-115 Trespass

Any C.R.S. for Destruction of Property, Arson, or actions including CRS 18-9-101 thru 18-9-105.

In violent crowd control events where the "**Protection of Life**" is of paramount importance, the violence against persons or officers presented by the crowd will be the measuring factor in determining what tactic or tools should be used to disperse the crowd.

Some of the criminal acts that may support an increased level of force or tactics are:

- 38-127 Throwing stones or missiles
- 38-31 Interference with Police Authority
- 38-32 Resistance
- 38-36 Aiding or rescuing prisoners
- 38-92 Threats
- 38-96 Irritants
- 38-93 Assault
- 38-117 Prohibitions on weapons
- 38-121 Firing or discharging dangerous or deadly weapons
- 38-126 Incendiary or explosive device

Any CRS for Assault, Aggravated Assault or more severe threats, including CRS 18-9-101 thru 18-9-105.

**APPENDIX B**

**C.R.S. Title 18**

**Article 9 Offenses Against Public Peace, Order, and Decency**

**Part 1 Public Peace and Order**

Please refer to the following web link:

**[www.michie.com/colorado/](http://www.michie.com/colorado/)**



**APPENDIX C**

**DPD Use of Force Policy  
Operations Manual Sections 105.00, 105.01, 105.02**

## 105.00 - USE OF FORCE

### 105.00 Use of Force Policy

#### (1) POLICY:

- a. The Denver Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual. The use of a firearm is in all probability the most serious act in which a law enforcement officer will engage. When deciding whether to use a firearm, officers shall act within the boundaries of law, ethics, good judgment, this use of force policy, and all accepted Denver Police Department policies, practices and training. With these values in mind, an officer shall use only that degree of force necessary and reasonable under the circumstances. An officer may use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. However, the Police Department recognizes that the objective reasonableness of an officer's decision to use deadly force must allow for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to a medical condition, mental impairment, developmental disability, physical limitation, language, drug interaction, or emotional crisis. Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Policing requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

- b. The Denver Police Department recognizes that the duties of a peace officer may require officers to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State, and Local laws shall govern use of force by officers.



The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

Officers who use force as described in the Colorado Revised Statutes or the Operations Manual of the Denver Police Department must immediately report the circumstances to a command or supervisory officer and comply with all reporting requirements.

An officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall report it immediately to a command or supervisory officer.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty Denver Police Department command or supervisory officer as soon as the situation is stabilized. An exception to the requirement of reporting to an on duty supervisor or command officer may be granted by the Chief of Police for major events involving off duty officers. If an exception is granted a supervisor or command officer working the event may be allowed to fulfill the reporting requirements.

Officers are responsible to ensure that medical treatment is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

## (2) STATE STATUTES

- a. C.R.S. §18-1-707 states in the pertinent part: Use of physical force in making an arrest or in preventing an escape:
  1. "(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate **physical force** upon another person when and to the extent that he reasonably believes it necessary:
    - a. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
    - b. To defend him self or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.
  2. A peace officer is justified in using **deadly physical force** upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:
    - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

- b. To effect an arrest or prevent the escape from custody, of a person whom he reasonably believes:
      1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
      2. Is attempting to escape by the use of a deadly weapon; or
      3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.
    3. Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain custody.
    4. For the purposes of this section a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts and circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid."
  - b. The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. Colorado law mandates the same and holds an officer accountable to do so in C.R.S. §18-8-803: which states in part:
 

*"(1)...a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen."*

*"(2)...'excessive force' means physical force which exceeds the degree of force permitted pursuant to 18-1-707 (Use of force in making an arrest or in preventing an escape). The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest. "*
  - c. The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. C.R.S. §18-8-802 states in part:
 

*"(1)(a) A peace officer who... witnesses another peace officer... use physical force which exceeds the degree of physical force permitted pursuant to 18-1-707 [Use of force in making an arrest or in preventing an escape] must report such use of force to such officer's immediate supervisor."*

*"(1) (c) Any peace officer who fails to report such use of force in the manner prescribed commits a class 1 misdemeanor..."*



## (3) CASE LAW

- a. Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin V. People, 22 CO. 496, 45 P. 419).
- Law enforcement officers are permitted to use force to effect an arrest only to the extent that it is "objectively reasonable" under the circumstances (Graham v. Connor, 490 U. S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

## (4) PERTINENT CONCEPTS AND DEFINITIONS

## a. Definitions:

1. Reasonable Belief - When facts or circumstances the officer reasonably believes, knows, or should know; are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
2. Deadly Physical Force - That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
3. Bodily Injury - "Physical pain, illness, or any impairment of physical or mental condition."
4. Serious Bodily Injury - "Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree."

## b. Types of Resistance

1. Psychological Intimidation - Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.
2. Verbal Non-Compliance - Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.
3. Passive Resistance - Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp or prone position.
4. Defensive Resistance - Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.
5. Active Aggression - A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
6. Aggravated Active Aggression - Deadly force encounter.
7. Psychological Intimidation, Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.

## c. Factors to determine "objectively reasonable" force options.

1. The reasonableness of an officer's use of force is based upon the totality of the circumstances known by the officer at the moment the force is used.

2. The following five (5) basic factors are considered when determining "reasonableness". Bearing in mind that the standard is "totality of the circumstances," these five (5) factors are not the only factors to be considered. The following have not been placed in a specific order of priority.
  - a. Imminent threat of injury to an officer(s) and/or others. The greater the level of the threat is, the greater the level of force that may be used.
  - b. If the person is actively resisting seizure, the officer may escalate the justified (reasonable) level of force.
  - c. Circumstances are tense, uncertain, and rapidly evolving. Some incidents take hours to resolve, while others are over in seconds. The tenser, uncertain and rapidly evolving the incident is, the higher the level of force that may be reasonable.
  - d. The more severe the crime, the more force that may be justified.
  - e. Attempting to evade seizure by flight may justify escalating the level of force.
3. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.

d. Use of Force/Control Options

1. The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
2. **Requesting a CIT officer:** Whenever an officer learns, through his or her observations or otherwise, that a person with whom the officer is dealing may be a mentally ill, developmentally disabled, or emotionally disturbed individual, the officer will, if time and circumstances reasonably permit and dictate, contact dispatch and request that a CIT officer respond to the scene. If time and circumstances reasonably permit, officers will use distance, time, verbal tactics, or other tactics, to de-escalate the situation when dealing with such persons. When a CIT officer arrives on the scene, he or she should be the primary officer responsible for coordinating negotiations with the mentally ill, developmentally disabled, or emotionally disturbed individual unless determined otherwise by the CIT officer or a superior officer.
3. **Edged Weapons:** When confronted by a suspect armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and



available. Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers or retreat, although not required by law, may be a tactically preferable police response to a confrontation.

The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

- e. The following list of use of force/control options is not intended to suggest the order in which the various categories of force should be used in any specific situation:
  - 1. Command presence
  - 2. Voice
  - 3. Hand control
  - 4. Chemical agent
  - 5. Hand strike, leg thrust / kick
  - 6. Baton / impact instrument
  - 7. Carotid compression technique
  - 8. R.I.P.P. restraint devices
  - 9. Less lethal weapons
  - 10. Deadly force
  - 11. Police service dog

#### **105.01 Use of Force Procedures**

##### **(1) DUTY TO REPORT**

Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the Denver Police Department Operations Manual and the Colorado Revised Statutes have been followed.

- a. The Use of Force Report, DPD 12, related supervisory investigation and reports are required in any of the following circumstances:
  - 1. An officer discharges a firearm other than in training or for bona fide recreational purposes.
  - 2. A person is injured or dies while in custody. See OMS 301.13, In-Custody Incident Investigations and OMS 301.14(8), In-Custody Death Investigations.
  - 3. A person is injured or complains of injury as a result of use of any physical force including the use of any weapon, chemical agent or deployment of a Police Service Dog.

4. A defendant is charged with resistance and/or assault to a police officer.
  - a. In any case of assault on a police officer, "Investigation of Assault" will be charged. The suspect should not be charged with resistance or any additional charges at this time, however, a General Sessions Summons and Complaint containing any additional charges is to be made describing details of the incident. Upon completing the GSS&C, the "service" area will be left blank and the form will be forwarded to the Assault Unit along with all necessary paperwork.
5. An officer encounters an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer.
6. An officer applies force through use of the following, whether an arrest is or is not made:
  - a. Any tool, object or device used as an impact weapon.
  - b. Carotid compression technique.
  - c. Chemical agent.
  - d. Pepper Ball.
  - e. ERD (taser).
  - f. Shotgun or forty (40) mm less lethal round.
  - g. Police service dog.
  - h. Hand strike, leg thrust / kick.
- b. The primary involved officer will prepare Report of Use of Force / Injury, DPD 12, Prior to Arrest (UOF/I), paying particular attention to the facts of the incident. The report shall include:
  1. An accurate description of the incident using the coded tables and text boxes on the UOF form, and
  2. Names of all involved officers, suspect(s) and witnesses. Additional forms will be used as continuation pages. Only those sections applicable need be completed on continuation pages, and
  3. A narrative summary of the significant facts of the incident which are not listed on the front of the form.
- c. The officer's supervisor shall respond to the scene and shall personally contact the officer immediately after the incident. The supervisor will interview witnesses and suspects, collect evidence and take photographs when appropriate. The supervisor will assist in preparing the UOF/I Report, paying particular attention to the facts of the incident. When indicated, supervisors shall counsel officers in methods to better handle future situations to avoid or minimize the use of force.
- d. Each resistance, injury prior to arrest and injury while in custody incident will require the supervisor to conduct an independent and complete investigation and prepare and distribute written reports and documents the minimum guidelines for which are described below.



1. The supervisor's conclusion that the details of the incident and facts contained in the UOF/I Report are accurate, and
2. Names and statements of all witnesses, and
3. A narrative summary of any significant facts determined through investigation, and
4. The supervisor's conclusions that:
  - a. The Use of Force, employed tactics, and all reporting requirements were performed within policy or
  - b. One or more policies or procedures may have been violated. Cite the specific Operations Manual Section. If the supervisor finds that violations may have occurred, his/her commanding officer will be immediately notified and will determine the appropriate course of action regarding additional investigation i.e. contact of IAB, etc.
5. When investigating a UOF incident involving deployment of the ERD/Taser, the supervisor must recover and place into the Property Bureau the Taser probes and identification confetti. Only medical personnel will be allowed to remove probes from individuals struck by the ERD/Taser. Data from the ERD/Taser shall be downloaded into a computer file and the results shall be documented as part of the use of force investigation.
6. The Report of Use of Force / Injury Prior to Arrest, DPD 12, shall be promptly distributed as follows:
  - a. The original report, along with all original statements, copies of other reports and photos, shall be forwarded to the Internal Affairs Bureau in a sealed envelope.
  - b. One copy shall be forwarded to the officer's Division Chief.
  - c. One copy shall be forwarded to the officer's Bureau or District Commander, through the chain of command.
7. Supervisory or command officers performing secondary employment SHALL NOT investigate use of force incidents or injury prior to arrest incidents involving themselves or any officer performing secondary employment under their supervision. On-duty personnel shall be summoned for this function. See 105.00(1) (b) above.
8. Any supervisory or command officer who investigates any incident involving any officer engaged in secondary employment must inspect the off duty officer's Request for Secondary Employment Approval, DPD 149, and document the results.
9. Supervisors and Command officers SHALL NOT investigate use of force incidents in which they are personally involved.
10. If the involved employee is a member of the Denver Sheriffs Department, a supervisor from that agency will be requested via radio to respond to the scene and complete the appropriate reports required by that agency. Denver Police officers will assist with witnesses and/or statements if requested; however the reporting requirements will be the responsibility of Denver Sheriffs personnel.
11. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 403.01(9).

## (2) DUTY TO REQUEST MEDICAL ATTENTION

- a. Any time there is an injury or an alleged injury as a result of force used by department personnel or an officer encounters an individual with obvious injuries and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from the contact with the officer, the involved officer's shall:
  1. Visually examine any person claiming injury, request medical attention and immediately notify a supervisor. When an individual is struck with a less lethal weapon or an impact tool/device or is subjected to the carotid compression technique or sprayed with a chemical agent, an ambulance shall be called to the scene of the incident to examine the person at the earliest and safest opportunity. Medical personnel **will** determine whether further medical attention is required.
  2. Any prisoner suffering from any illness, injury or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center for treatment.
  3. It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility.
  4. Violent behavior may mask dangerous medical conditions; therefore, detainees shall be continuously monitored and provided with medical treatment, if needed.

**105.02 Less Lethal Force and Control Options**

## (1) POLICY:

The primary duty of police officers is to protect the public, themselves and other officers. Less lethal force and control options may assist officers in performing these duties, but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.

## (2) LESS LETHAL OPTIONS

The Denver Police Department authorizes the use of Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, twelve (12) gauge and forty (40) mm specialty impact munitions to be carried by certain officers in their normal duty assignments.

## (3) LESS LETHAL WEAPONS DEFINITIONS

- a. Less lethal: A concept of planning and force application which meets an operational or tactical objective, with less potential for causing death or serious injury than conventional more lethal police tactics.
- b. Less lethal weapon: Any apprehension or restraint device approved for carry, which when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD)/TASER, Pepper Ball deployment systems, less lethal twelve (12) gauge shotguns and forty (40) mm projectile systems and others as approved by the Chief of Police.



- c. **Less lethal officer:** An officer trained in the principles of less lethal force and the use of less lethal weapons. One who is authorized by the Department to carry and deploy one or more of the weapons in the performance of their duties.
- d. **Less lethal shotgun:** Department approved twelve (12) gauge shotgun with a cylinder bore eighteen-inch (18) barrel. The shotgun, except those approved by the Chief of Police for use by Metro/Swat, has a high visibility stock and fore-end and is equipped with rifle sights.
- e. **Twelve (12) gauge beanbag projectile:** Department approved and issued. The beanbag projectile is a lead-shot-filled fabric bag designed to be non-penetrating and to deliver its kinetic energy over a broad surface area.
- f. **Forty (40) mm Launcher:** Either a single round or multi-launcher, department approved, with fixed stock and rifle barrel.
- g. **Forty (40) mm Projectile:** Only Department approved and issued specialty impact munitions may be deployed.
- h. **ERD/TASER:** Advanced Taser M-26 ERD (Electronic Restraint Device) which uses a twenty-six (26) watt electrical signal to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the M-26 to physically debilitate a target regardless of pain tolerance or mental focus.
- i. **Pepper Ball System:** Air-Powered launch device and projectiles that are plastic spheres filled with powdered or liquid five (5) % Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.

#### (4) LESS LETHAL WEAPON PROCEDURES

The authorization to carry a less lethal weapon is a privilege and can be revoked at any time, for any reason by the officer's commander with approval of the officer's Division Chief or higher.

- a. Officers will be selected, trained and certified as less lethal officers and alternates. Only less lethal officers and alternates are authorized to display, carry or deploy any less lethal weapon. When vacancies occur among the ranks of less lethal officers, they will be filled by designation of an officer from the alternate pool. Selection of less lethal officers and alternates will be based on the following criteria:
- b. Minimum qualifications
- c. Officers must be selected by their commanding officer and approved by their Division Chief.
  - 1. Officers must attend and pass a mandatory training course, an annual in-service course and periodic qualification conducted by Firearms Section personnel. The formal updated training curriculum and list of qualified officers will be kept on file at the Training Bureau.
  - 2. Less lethal certified officers who fail to qualify with their firearm two or more quarters in a twelve (12) month period shall be removed from the less lethal program. It is the responsibility of the officer and the supervisor of the Firearms Section to notify the officer's commander and the officer's Division Chief verbally and in writing of the failure to qualify as required by this section.

3. Violations of this policy may result in revocation of the privilege to carry a less lethal weapon.
- d. Storage and issuance of less lethal weapons.
1. Storage
    - a. All Less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of only less lethal weapons.
  2. Issuance
    - a. The less lethal shotgun will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
    - b. The ERD/TASER will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
    - c. Field Force Squad or Zone commanders may issue Pepper Ball deployment systems and less lethal shotguns or forty (40) mm projectile systems to qualified personnel assigned to each squad.
    - d. All available less lethal weapons will be issued at the beginning of each shift provided sufficient numbers of qualified officers are on duty and returned at the end of the officer's shift to an armory officer or a supervisor.
    - e. Qualified officers may not decline to be issued, carry or deploy less lethal weapons.
- e. Carrying and deployment of less lethal weapons
1. Personally owned less lethal weapons are prohibited and shall not be authorized for use.
  2. Officers or supervisors will determine when less lethal weapons are to be deployed. Officers deploying a less lethal weapon usually serve as cover officers only. Less lethal officers shall not perform any other duties, such as searching or handcuffing, until their weapon is secured. Planning and communication between officers and supervisors is important when making deployment and strategy decisions.
    - a. The Less lethal shotgun is to be carried in the trunk of the police car with an empty chamber with the safety on and magazine loaded with four (4) rounds of Less lethal ammunition.
    - b. When deployed, the ERD will be carried on the belt in the issued holster, worn on the side opposite the firearm. When not worn, the ERD will be secured in a locked vehicle, not visible to passers-by.
    - c. Pepper Ball guns may be authorized by Field Force Commanders for use during field force operations and major crowd control events. Subject to availability certified supervisors or officers may carry the Pepper Ball gun while on patrol.
    - d. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.



3. Less lethal shotgun or forty (40) mm projectile deployment:
  - a. Use of a less lethal shotgun or the forty (40) mm projectile will be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.
  - b. Acceptable uses of a less lethal shotgun or forty (40) mm projectile include:
    1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary in order to attempt to avoid having to use deadly force. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
    2. Used as a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed. OR
    3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
  - c. Unless deadly force is warranted, an officer shall not intentionally deploy the less lethal shotgun projectile or 40mm projectile
    1. To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.
    2. To a pregnant female, (if the officer has knowledge of the pregnancy).
  - d. When practicable, officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
  - e. The use of the less lethal shotgun and the forty (40) mm projectile shall be reported as an impact use of force. In the case of a serious bodily injury or death the use shall be investigated as outlined in OMS 105.03 "Shooting by and/or of Police Officers."
  - f. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

4. **Pepper Ball System Deployment**

- a. Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.
- b. Acceptable uses of the Pepper Ball projectile may include:
  1. Incapacitating a combative or physically resistive person to the point where they can be controlled and taken safely into custody. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Defensive Resistance.
    - a. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody.
    - b. When other force options would be inappropriate or ineffective under the circumstances this, use of force option becomes necessary (Defensive resistance is defined as physical actions that attempt to prevent officer's control including flight or attempt to flee. But do not involve attempts to harm the officer.)
  2. Situations when its use is likely to prevent an officer or a third person from being injured.
  3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
  4. When ordered by the field force commander or other command officer in crowd control or riot situations.
- c. Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile as follows:
  1. To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.
  2. To a pregnant female, if the officer has knowledge of the pregnancy.
  3. On or in an open wound if the officer has knowledge of the open wound.
- d. Officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- e. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.



5. Less lethal ERD/TASER Deployment
  - a. Use of an Electronic Restraint Device (ERD/TASER) shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
  - b. Acceptable uses of the ERD / TASER include:
    1. To incapacitate a combative or physically resistive person; whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
    2. In situations when its use is likely to prevent an officer or a third person from seriously bodily injury, OR
    3. To incapacitate a suicidal person who can't be safely controlled with other force options.
  - c. Unless deadly force is warranted, officers shall not intentionally deploy the ERD / TASER as follows:
    1. To the head, eyes, throat, neck, breast(s) of a female, genitalia or spinal column.
    2. To a pregnant female, if the officer has knowledge of the pregnancy.
    3. On an open wound, if the officer has knowledge of the open wound.
  - d. Officers will not use the ERD/Taser in the following situations:
    1. Near flammable gases or liquids.
    2. Drug houses where ether or other flammable chemicals are suspected.
    3. No officer shall playfully, maliciously, or intentionally misuse or display the ERD/Taser
  - e. Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use; or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
  - f. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

- g. Medical evaluation is required whether the subject is shot with probes or the ERD / TASER is used as a contact stun device. Only medical personnel will be allowed to remove probes from individuals shot with the ERD/TASER.
  - h. Probes and identification confetti will be recovered and placed in the Property Bureau by the supervisor conducting the Use of Force investigation.
  - i. Data from the M26 Taser shall be downloaded into a computer file and the results shall be documented as part of the Use of Force investigation.
- (5) **IMPACT TOOLS/DEVICES:** Include the Department approved police baton, sap, billy club, flashlight, and O.P.N. listed below when used as an impact device.
- a. Impact tools/devices authorized for carry or use include:
    - 1. Police Baton:
      - a. Standard issue twenty-nine (29) inch baton.
      - b. Standard issue thirty-six (36) inch riot baton.
      - c. Commercially manufactured or custom made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
      - d. The Monadhock model MX, black, twelve (12) inch to twenty-six (26) inch, is an approved expandable baton which is not issued, but authorized for carry and use upon successful completion of specialized training.
      - e. Batons with ornate carvings or a metal ball attached to either end are not authorized.
    - 2. Flashlight: Any commercially manufactured flashlight, black in color, up to the standard three (3) cell size, not to exceed a length of thirteen (13) inches nor a diameter of three (3) inches.
    - 3. Sap: Any commercially manufactured beaver-tail sap, black leather with smooth finish, not to exceed a length of twelve (12) inches nor a width of three (3) inches.
    - 4. Billy club: Any commercially manufactured or custom club made of wood or composite material, not iron or steel, designed to fit in the sap pocket, not to exceed a length of twelve (12) inches or a diameter of two (2) inches.
    - 5. Prohibited Items: All other devices including but not limited to sap gloves, brass knuckles, yawara sticks, iron claws, shirkins, ropes, and non-department issued leg restraint devices, including rope or cord hobbles are not authorized for carry. See OMS 111.03.
  - b. Impact Tool/Device - General Guidelines:
    - 1. If a person resists non-violently (passive non-compliance), the impact tool/device may be used only to apply come-along/escort-compliance holds. A person, who remains non-violent, will not intentionally be struck with the impact tool.
    - 2. If a person forcefully resists and/or attacks an officer or other person, an officer is permitted to strike the person with an impact tool/device, provided the officer uses reasonable care to confine such strikes and power levels, to areas of the body which, if struck, are not intended or likely to cause serious bodily injury.



3. The head and neck shall not be intentionally struck with the impact tool/device, unless the officer is justified in using deadly force.
  4. Impact tools/devices shall be maintained in serviceable condition and shall not be modified, altered or fitted with any unauthorized add-on device in any way that is not approved in writing by the Department. They may be marked with the officer's serial number but shall not be marked or adorned in any other fashion.
  5. Defective, broken, or altered impact tools shall not be carried.
    - a. An officer who discovers an impact tool/device that is unserviceable must immediately cease carrying the item and, if issued by the Department, promptly submit a written request for replacement through the chain of command.
    - b. All officers shall receive the designated training on each impact tool or device that they intend to carry before carrying the tool or device on or off duty. The mandatory training will be recorded in the officer's permanent training record. Bureau and District Commanders will insure that the appropriate training is current and documented for all officers under their commands.
- c. Use of Impact Tools or Devices to Apply Deadly Force:
1. An impact tool or device is generally used as a "compliance tool" to overcome non-deadly force exercised by a person resisting the officer's authority. However, in certain circumstances the impact tool or device can be properly used to apply greater force up to and including deadly physical force. Refer to CRS §18-1-707(2) for the circumstances under which deadly physical force can be used.
  2. Incorrect, reckless or negligent strikes to certain bodily areas may cause unintentional serious bodily injury or death. If not justified to use deadly physical force under CRS §18-1-707(2), this conduct could result in administrative discipline, civil actions or criminal charges against the officer.
  3. Examples of reasonable deadly force applications of impact tool or devices include:
    - a. Controlling a suspect who has disarmed an officer and the officer reasonably believes that the suspect is about to use the firearm against the officer or another.
    - b. Controlling a suspect who is armed with a knife or other deadly weapon and due to the suspect's close proximity, the officer reasonably believes that the suspect is threatening the officer with imminent death or serious bodily injury.
  4. Orcutt Police Nunchaku (OPN)
    - a. The Orcutt Police Nunchaku is an authorized safety tool primarily used for arrest control and self-defense. Other brands, designs or types of nunchaku are not authorized.
    - b. Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to carry or use of the OPN in the performance of duties.
    - c. Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required shall no longer carry or use the OPN in the performance of duties.

- d. If the OPN is used to strike a subject or injury occurs, whether or not an arrest is made, a Use of Force Report is required, in accordance with OMS 105.01(1).

5. Chemical Agent

- a. Chemical agents provide an excellent force option in certain situations.
- b. Chemical agents may be used when reasonable and justified in the following situations:
  - 1. To prevent an injury to an officer or a third person.
  - 2. To ward off threatening dogs and other animals.
  - 3. To subdue a person who is threatening or attempting physical harm to himself or another.
  - 4. Against subjects resisting arrest.
  - 5. To quell rioting.
  - 6. Against subjects interfering with an arrest.
  - 7. Any situation where the officer can clearly articulate the need to deploy this device.
- c. Authorization for use of a chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant. The use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.
- d. Immediate evaluation by medical personnel is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

6. CAROTID COMPRESSION TECHNIQUE

- a. Use of the carotid compression technique shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
- b. Acceptable uses of the carotid compression technique include:
  - 1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Aggravated Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Aggravated Active Aggression - Deadly force encounter) OR
  - 2. In situations when its use is likely to prevent an officer or a third person from seriously bodily injury, OR
  - 3. To incapacitate a suicidal person who cannot be safely controlled with other force options.



- c. Immediate medical evaluation by paramedics is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a carotid compression technique was used.
- d. Only officers who have been trained by the Denver Police Department in the application of the carotid compression technique may utilize this force option.

7. POLICE SERVICE DOGS

- a. Police service dogs, when properly utilized are a useful resource. They are particularly useful in searches, tracking, and apprehension of suspects and protection of officers.
- b. When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the dog will be used at the discretion of the handler.
- c. A police service dog may be used in a reasonable manner as determined by the handler, to search when the following conditions exist:
- d. When the suspect is actively evading arrest.
- e. When the suspect is believed to be hiding in an area where the use of a canine would reduce the threat to officers or the public.
- f. A police service dog may be used to apprehend a suspect at the discretion of the handler and in accordance with Canine Unit Policies and Procedures.
- g. Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
- h. Should a police service dog injure a subject during an arrest, the canine officer/handler will request medical assistance, after first securing the suspect and the arrest scene.
- i. The injury will be reported in accordance with the requirements of OMS 105.01.
- j. Deployment of a police service dog during an arrest must comply with the requirements of the Use of Force policy and Colorado Revised Statutes.

